

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S)	:	David Szymanski
TITLE	:	WOOD CUTTING SAW CHAIN AND REPLACEMENT CUTTING MEMBERS
APPLICATION NO.	:	10/780,323
FILED	:	02/17/2004
CONFIRMATION NO.	:	1107
EXAMINER	:	Clark F. Dexter
ART UNIT	:	3724
LAST OFFICE ACTION	:	February 6, 2008
ATTORNEY DOCKET NO.	:	INDI 2 00002

**RESPONSE TO NON-COMPLIANT APPEAL BRIEF**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Notice of Non-Compliant Appeal Brief mailed November 25, 2008, on the above-referenced patent application, Applicant hereby submits page 3 of the Appeal Brief (Status of the Claims).

### **CONCLUSION**

The foregoing submission is believed to meet the requirements of the Notification of Non-Compliant Appeal Brief, and the Applicant awaits further action on the application from the Patent and Trademark Office.

Respectfully submitted,

Fay Sharpe LLP

12/23/08

Date

  
Scott A. McCollister, Reg. No. 33,961  
The Halle Building, 5th Floor  
1228 Euclid Avenue  
Cleveland, Ohio 44115-1843  
216.363.9000

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.	
<input checked="" type="checkbox"/> transmitted to the USPTO by <del>facsimile</del> in accordance with 37 CFR 1.18 on the date indicated below. via electronic filing	
Express Mail Label No.:	Signature: <i>G. Sonntag</i>
Date: <u>12/23/08</u>	Name: <i>G. SONNTAG</i>

**III. STATUS OF CLAIMS**

The status of the claims set forth in the Office Action mailed on February 06, 2008 was, and is, as follows:

Claims 1-3, 5-27, 29 and 30 are on appeal.

Claims 1-3, 5-27, 29 and 30 are pending.

Claims 1-3, 5-10, 12-16, 18-20, 23 and 24 are rejected.

Claims 4 and 28 have been cancelled.

Claims 11, 17, 21, 22, 25-27, 29 and 30 are withdrawn from consideration.